

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NATHANIEL CLAYBROOKS and)
CHRISTOPHER JOHNSON, individually,)
on behalf of all others similarly situated,)

Plaintiffs,)

v.)

AMERICAN BROADCASTING COMPANIES,)
INC., WARNER HORIZON TELEVISION,)
INC., NEXT ENTERTAINMENT, INC.,)
NZK PRODUCTIONS, INC., and)
MICHAEL FLEISS,)

Defendants.)

Civil No. 3:12-0388

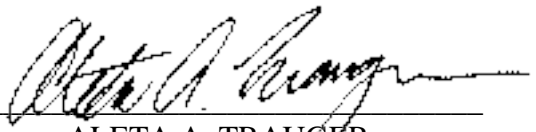
Judge Trauger

ORDER

Based upon the Position Statements filed by the parties (Docket Nos. 55, 57), the court declines to convert the pending Motion to Dismiss to a motion for summary judgment. The court will not consider the additional materials submitted by the defendants in its decision on the Motion to Dismiss. It is hereby **ORDERED** that the plaintiffs shall respond to the Defendant's Motion to Dismiss (Docket No. 38) and the Defendants' Alternative Motion to Strike Request For Injunctive Relief And Class Allegations (Docket No. 45) by July 27, 2012.

It is so **ORDERED**.

ENTER this 9th day of July 2012.



ALETA A. TRAUGER
U.S. District Judge